

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONNELL GIBBS,

Defendant.

)
)
)
)
)
)
)
)
)
)

8:08CR472

ORDER

This matter is before the court on the defendant's motion to continue trial (Doc. 26). For cause shown, trial will be continued to March 10, 2009. The defendant will be required to file an affidavit or declaration regarding speedy trial in compliance with the Local Rules of Practice.

IT IS ORDERED that the motion is granted, as follows:

1. The jury trial now set for February 3, 2009 is continued to **Tuesday, March 10, 2009.**

2. In accordance with [18 U.S.C. § 3161](#)(h)(8)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **February 3, 2009 and March 10, 2009**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act due to the recent appearance of substitute counsel. Counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

3. Defendant shall file an affidavit or declaration regarding speedy trial, as required by [NECrimR 12.1 and/or 12.3](#), no later than **February 3, 2008.**

DATED January 20, 2009.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge